

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASIAN-AMERICAN LICENSED	:	
BEVERAGE ASSOCIATION, et al.,	:	
	:	No. 2:24-cv-06348
Plaintiffs,	:	
v.	:	Judge Schmehl
	:	
CITY OF PHILADELPHIA, et al.,	:	Electronically Filed Document
	:	<i>Complaint Filed 11/26/2024</i>
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of Commonwealth Defendants' Motion for Leave to Exceed Court's Twenty-Five Page Limit on Briefs as to Motion to Dismiss Amended Complaint, it is hereby **ORDERED** that the Motion is **GRANTED**. Commonwealth Defendants' Motion to Dismiss Plaintiffs' Amended Complaint, filed as ECF No. 36, is deemed accepted and filed as of February 10, 2025.

HONORABLE JEFFREY L. SCHMEHL
United States District Court Judge

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**COMMONWEALTH DEFENDANTS’ MOTION FOR LEAVE TO EXCEED
TWENTY-FIVE PAGE LIMIT ON BRIEFS AS TO
MOTION TO DISMISS AMENDED COMPLAINT**

Defendants Commonwealth of Pennsylvania, Pennsylvania State Police Bureau of Liquor Control Enforcement, Pennsylvania Liquor Control Board, and David W. Sunday, Jr., in his official capacity as Attorney General of Pennsylvania (collectively, “Commonwealth Defendants”), by and through undersigned counsel, hereby move for leave to exceed this Court’s twenty-five page limit on briefs, specifically with respect to Commonwealth Defendants’ Motion to Dismiss Plaintiffs’ Amended Complaint (hereinafter, “Motion”).

Commonwealth Defendants respectfully request leave to exceed the twenty-five page limit on briefs enumerated within the Court’s Policies and Procedures, with respect to Commonwealth Defendants’ Motion. The Court’s Policies and Procedures require that all briefs or memoranda be limited to twenty-five pages. (Policies and Procedures of Schmehl, J., at p. 5.) Commonwealth Defendants presently request permission to exceed the page limit by sixteen pages. Commonwealth Defendants’ Motion is a total of forty-one pages in length, not including Commonwealth Defendants’ proposed order and corresponding Certificate of Service. Commonwealth Defendants contend good cause warrants exceeding the Court’s page limit by sixteen pages. Plaintiffs’ Amended Complaint alleges *twelve* causes of action against

Commonwealth Defendants, each requiring separate consideration and analysis for the purposes of demonstrating to this Court why each cause is legally deficient and subject to dismissal. Plaintiffs' allege causes of action under a variety of statutes and constitutional amendments, which are subject to dismissal due to various, differing grounds. (ECF No. 28 [Amended Complaint alleging causes of action under 42 U.S.C. § 1983, 28 U.S.C. § 2201, violations of the right to petition and overbreadth doctrine under First Amendment, violations of procedural due process and void for vagueness doctrine under the Fourteenth Amendment, equivalent provisions of Pennsylvania constitution, and civil conspiracy].) Commonwealth Defendants respectfully represent that they require the additional sixteen pages requested in order to adequately address Plaintiffs' twelve causes of action. Commonwealth Defendants have attempted to shorten the Motion, however, after considerable efforts, Commonwealth Defendants contend that each page is necessary in order to assert all defenses to Plaintiffs' twelve causes of action. Commonwealth Defendants Motion merely includes the applicable law and a discussion of Plaintiffs' twelve causes of action. Commonwealth Defendants contend there are no portions of the Motion which are unnecessary or unneeded for the purposes of addressing Plaintiffs' Amended Complaint.

Moreover, City Defendants, also, requested an extension of the page limit with respect to their Motion to Dismiss Plaintiffs' Complaint, which the Court granted, thereby confirming the number of claims advanced against Defendants require additional pages beyond the twenty-five page limit. (ECF Nos. 30, 31.) Further, it is notable that Plaintiffs' Amended Complaint, which is lengthier than the original pleading, is 50 pages in length. Based on the foregoing, Commonwealth Defendants respectfully request leave to exceed the twenty-five page limit on briefs enumerated within the Court's Policies and Procedures, with respect to Commonwealth Defendants' Motion.

Respectfully submitted,

Dated: February 11, 2025

DAVID W. SUNDAY, JR.
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Bureau of Liquor Control Enforcement,
Pennsylvania Liquor Control Board and
Attorney General Sunday*

CERTIFICATE OF SERVICE

I, Sarin V. Keosian-Frounjian, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on February 11, 2025, I caused to be served a true and correct copy of the foregoing document titled, “Commonwealth Defendants’ Motion to Exceed Twenty-Five Page Limit on Briefs as to Motion to Dismiss Amended Complaint”, to the following:

VIA ECF

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